

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, *et al.*,

Plaintiffs,

V.

BRIAN KEMP, *et al.*,

Defendants.

CIVIL ACTION NO.
1:17-CV-2989-AT

ORDER

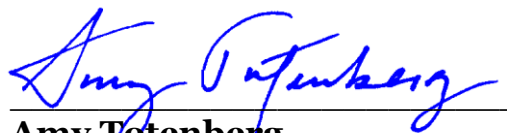
Upon consideration of a letter dated December 8, 2017, from counsel for Defendant Merle King in his individual capacity and his official capacity as Executive Director of the Center for Election Systems at Kennesaw State University, notifying the Court “of a forthcoming transfer of data and equipment from the Center for Election systems (the “CES”) to the Office of Georgia’s Secretary of State, currently set to occur on December 18, 2017,” Plaintiffs seek assurances that any potential evidence transferred will not be altered or destroyed in the process. The parties submitted a joint statement of their positions regarding the preservation of evidence during the CES transfer (Doc. 121), which the Court has carefully considered.

Accordingly, upon review of the December 8th letter and the parties' joint statement, it is **ORDERED** that any potential evidence related to the claims and

defenses in this case, which will be physically transferred from CES and Kennesaw State University to the Georgia Secretary of State, shall be preserved without destruction or alteration in accordance with the parties' obligations to preserve evidence. (*See* Doc. 122.) The parties' obligations to preserve evidence include but are not limited to: (1) data, records, and equipment related to elections; (2) communications related to any investigations, vulnerabilities, destruction, alteration, analysis, or reports related to the election infrastructure and the conduct of the elections; and (3) any other evidence possessed or controlled by these entities that is relevant to the lawsuit.

It is **FURTHER ORDERED** that the parties shall continue to honor their obligations in connection with their respective preservation obligations. (*See* Doc. 122.)

IT IS SO ORDERED this 15th day of December, 2017.



Amy Totenberg
United States District Judge